

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

EVANSTON INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	JUDGMENT
)	
)	No. 7:09-CV-22-FL
)	
G&T FABRICATORS, INC. and)	
GARY SPEC,)	
)	
Defendants,)	
)	
v.)	
)	
ALLIED TERMINALS, INC.,)	
)	
Intervenor.)	

Decision by Court.

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the cross-motions for summary judgment filed by plaintiff Evanston Insurance Company and intervenor Allied Terminals, Inc.

In its order entered September 23, 2010, the court finds that defendants made material misrepresentation in the signed application for the two insurance policies at issue, plaintiff refunded all premiums paid on the 2007 and 2008 policy, and plaintiff had no duty to investigate the application, and that plaintiff was not otherwise negligent. The court also finds that plaintiff is entitled to rescind both the 2007 Policy and the 2008 Policy.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 23, 2010, that plaintiff's motion for summary judgment is granted and the intervenor's motion for summary judgment is denied.

This Judgment Filed and Entered on September 29, 2010, and Copies To:

Kenan G. Loomis (via CM/ECF Notice of Electronic Filing)

Andrew J. Hanley (via CM/ECF Notice of Electronic Filing)

David P. Ferrell (via CM/ECF Notice of Electronic Filing)

George M. Ferreti (via CM/ECF Notice of Electronic Filing)

Matthew R. Hess (via CM/ECF Notice of Electronic Filing)

September 29, 2010

DENNIS P. IAVARONE, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk